

**To:** Wong, Jeffrey[ARB[jwong@arb.ca.gov]; Ball, Joel[ball.joel@epa.gov]  
**Cc:** Johnson, Stuart (EEO)[Stuart.Johnson@vw.com]; Cooke, Anthony[Anthony.Cooke@vw.com]; Sandvig, Chris[Chris.Sandvig@vw.com]  
**From:** Hennard, Mike (EEO)[mike.hennard@vw.com]  
**Sent:** Tue 11/1/2016 2:43:54 PM (UTC)  
**Subject:** RE: Volkswagen & Audi 2.0L TDI recall - California DMV Tie In ( Cancellation of Recalls)  
[23o9bulletin.pdf](#)  
[23n6bulletin.pdf](#)

Jeff:

In regards to our telephone conversation last evening. As I explained, it is always better to answer your questions with the necessary documents present. As replies without the facts are sometimes not valid.

After researching the 2 vehicle updates you questioned, I have attached copies of the updates sent to the dealer.

Update 2309 is dated May 5<sup>th</sup> 2015

Update 23N6 is dated Sept 11<sup>th</sup> 2014.

As discussed, customers were not contacted for these updates and vehicles were repaired when they came to a VW dealer for any type of service. These vehicle updates remain active during the applicable emissions vehicle warranty.

Any questions, please contact me during our normal business hours.

**Michael Hennard**  
Senior Manager - Emissions Compliance EEO

Volkswagen Group of America  
3800 Hamlin Road  
Auburn Hills, MI 48326

Telephone Number: 248 754 4202  
Fax: 248 754 4207  
[mike.hennard@vw.com](mailto:mike.hennard@vw.com)

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**From:** Hennard, Mike (EEO)  
**Sent:** Monday, October 31, 2016 12:57 PM  
**To:** 'Wong, Jeffrey@ARB' <jwong@arb.ca.gov>; ball.joel@epa.gov  
**Cc:** Johnson, Stuart (EEO) <Stuart.Johnson@vw.com>; Cooke, Anthony <Anthony.Cooke@vw.com>; Sandvig, Chris <Chris.Sandvig@vw.com>  
**Subject:** RE: Volkswagen & Audi 2.0L TDI recall - California DMV Tie In ( Cancellation of Recalls)

Jeff:

Sorry for the confusion regarding 2309 and 23N6 software updates. These 2 software updates for 2.0L TDI were performed as vehicle updates. With a vehicle update the customer is not directly contacted by mail. The vehicle is updated when it comes to a realer for any type of service. We have an agreement with ARB that VW would recall the vehicles left after the vehicle update was completed. This is normally after 12 months.

These 2 ECM updates were not involved in DMV tie in program – this is why you have no record in your DMV files. The timing for issuing a recall for remaining vehicles is not yet due.

In addition - if a California customer comes into a dealer with an open recall relating to this topic, the dealer will fill out the salmon colored recall card stating there is no open recall on the vehicle.

I hope this helps.

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**From:** Wong, Jeffrey@ARB [<mailto:jwong@arb.ca.gov>]  
**Sent:** Friday, October 28, 2016 6:09 PM  
**To:** Hennard, Mike (EEO) <[mike.hennard@vw.com](mailto:mike.hennard@vw.com)>; [ball.joel@epa.gov](mailto:ball.joel@epa.gov)  
**Cc:** Johnson, Stuart (EEO) <[Stuart.Johnson@vw.com](mailto:Stuart.Johnson@vw.com)>; Cooke, Anthony <[Anthony.Cooke@vw.com](mailto:Anthony.Cooke@vw.com)>; Sandvig, Chris <[Chris.Sandvig@vw.com](mailto:Chris.Sandvig@vw.com)>  
**Subject:** RE: Volkswagen & Audi 2.0L TDI recall - California DMV Tie In ( Cancellation of Recalls)

Hi Mike,  
Thanks for sending this to us. Is there a typo for where is a reference for recalls 23O9 and 23N6? We don't have any record of these recalls in our database.  
Our records show these recalls and model relationships:

Volkswagen (Golf, Jetta, Sportwagen, Beetle) – 23N5, 23O6  
Audi (A3) – 23N4

If an owner wants to have one of the recalls 23N5, 23O6, 23N4 performed and are your dealers going to refer them to DMV, ARB or write them a proof of correction certificate?

We are working to cancel the DMV recalls that will take a few more days, but we are still somewhat concerned what the message to the owner will be from dealers if vehicles are still brought in for recall work.

Best Regards,

Jeff

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**From:** Hennard, Mike (EEO) [<mailto:mike.hennard@vw.com>]  
**Sent:** Friday, October 28, 2016 8:40 AM  
**To:** Wong, Jeffrey@ARB; [ball.joel@epa.gov](mailto:ball.joel@epa.gov)  
**Cc:** Johnson, Stuart (EEO); Cooke, Anthony; Sandvig, Chris  
**Subject:** Volkswagen & Audi 2.0L TDI recall - California DMV Tie In ( Cancellation of Recalls)

Jeff:

This mail is to notify the US EPA and California ARB that Volkswagen Group of America has cancelled the following recalls due to conflicts with the VW / Audi 2.0L Consent Decree acceptance that occurred this week.

Recalls:

Volkswagen – 23N5 / 23O6 / 23O9  
Audi – 23N4 / 23N6

The following steps have been made to assure that the engine management software related to these specific recalls are no longer programed into any VW or Audi vehicles as of October 27, 2016.

- SVM software odes have been removed from all VW / Audi systems related to flashing vehicles in the field within the US market.
- Notices have been sent (see attached) to all VW / Audi dealers within the US market to stop processing repairs related to these affected recalls.
- RL Polk company has been contacted to submit a report with all vehicle identification numbers of vehicles registered in California that currently have an open campaign on the listed recalls regarding these vehicles. This process will assure customers will not have problems with yearly vehicle registration regarding open campaigns for California DMV tie in regarding these mentioned campaigns.

Please assure that the California DMV is notified of this cancelation and that any changes to their database are made to assure that

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customers are not negatively affected with this change.

I would like to thank you in advance for your cooperation in this matter.

Regards,

**Michael Hennard**

Senior Manager - Emissions Compliance EEO

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[mike.hennard@vw.com](mailto:mike.hennard@vw.com)

Message

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**From:** Stern, Noah P. [sternn@sullcrom.com]  
**Sent:** 9/15/2020 5:02:01 PM  
**To:** bethany.engel@usdoj.gov; VW\_Settlement [VW\_Settlement@epa.gov]; anna.e.grace@usdoj.gov; eescdcopy.enrd@usdoj.gov; Alexandra.Kamel@arb.ca.gov; Nicklas.Akers@doj.ca.gov; Judith.Fiorentini@doj.ca.gov; David.Zonana@doj.ca.gov; Bunker, Byron [bunker.byron@epa.gov]; Jon.Worm@doj.ca.gov; Kaul, Meetu [Kaul.Meetu@epa.gov]; mfuentes@arb.ca.gov; diane.kiyota@arb.ca.gov; Iddings, Brianna [Iddings.Brianna@epa.gov]; Snyder, Jim [Snyder.Jim@epa.gov]; Veronica.Brizuela@doj.ca.gov; Hermano, Dean@ARB [dean.hermano@arb.ca.gov]  
**CC:** Sutschek, Rob [Rob.Sutschek@vw.com]; Lynn.McKay@vw.com; 'Teller, Terri' [Terri.Teller@vw.com]; Giuffra Jr., Robert J. [giuffrar@sullcrom.com]; Nelles, Sharon L. [Nelless@sullcrom.com]; McGimsey, Diane L. [mcgimseyd@sullcrom.com]; Oswell, Laura Kabler [oswelll@sullcrom.com]; Lawson-Remer, Alexa M. [LawsonR@sullcrom.com]; Murtagh, Michael P. [murtaghm@sullcrom.com]; Lucid, Kai W. [lucidk@sullcrom.com]; LMacCuish@KSLAW.com; WSauers@KSLAW.com  
**Subject:** DJ # 90-5-2-1-11386  
**Attachments:** 2020-09-15 Letter from Oswell.pdf; Notice Pursuant to Paragraphs 30a and 54 of the First Partial Consent Decree.pdf

All,

Please see the attached correspondence and notice. The attached materials contain confidential business information, and are exempt from disclosure under the Freedom of Information Act and California Public Records Act.

If you have any questions, please let us know.

Best regards,  
Noah

Noah Stern  
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Message

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**From:** Zaremski, Sara [zaremski.sara@epa.gov]  
**Sent:** 5/4/2016 3:37:20 PM  
**To:** Wehrly, Linc [wehrly.linc@epa.gov]; Bunker, Byron [bunker.byron@epa.gov]  
**Subject:** FW: VW - Verify Docs  
**Attachments:** ENV\_ENFORCEMENT-#2587063-v1-VW\_Summary\_of\_Verify\_Files\_for\_Snyder.XLS

This is the follow up from DOJ (civil) that I have brought up to each of you separately. This ask will require work for both Jim Snyder and Dave Good and DOJ would like the feedback within the next 3 weeks. I can fill you both in on what they are really looking for.

**Ex. 5 AC/AWP**

**Ex. 5 AC/AWP**

sara

**From:** McAnaney, Sheila (ENRD) [mailto:Sheila.McAnaney@usdoj.gov]  
**Sent:** Wednesday, May 04, 2016 11:25 AM  
**To:** Snyder, Jim <Snyder.Jim@epa.gov>; Zaremski, Sara <zaremski.sara@epa.gov>; Kaul, Meetu <Kaul.Meetu@epa.gov>  
**Cc:** Danica Glaser <Danica.Glaser@usdoj.gov>; Engel, Bethany (ENRD) <Bethany.Engel@usdoj.gov>  
**Subject:** VW - Verify Docs

Jim and Sara,

**Ex. 5 AWP / Ex. 7(A)**

Thanks,

Sheila McAnaney  
Trial Attorney  
Environmental Enforcement Section  
United States Department of Justice  
PO Box 7611, Ben Franklin Station  
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